

Message Text

CONFIDENTIAL

PAGE 01 HONG K 10459 070603Z
ACTION EB-08

INFO OCT-01 EA-10 IO-13 ISO-00 HA-05 CIAE-00 COME-00
INR-10 LAB-04 NSAE-00 SIL-01 /052 W
-----118448 070614Z /14
P 070504Z AUG 78
FM AMCONSUL HONG KONG
TO SECSTATE WASHDC PRIORITY 2219

C O N F I D E N T I A L HONG KONG 10459

E.O. 11652: GDS
TAGS: ETRD, ELAB, HK
SUBJ: REQUEST FOR INFORMATION ON LABOR STANDARDS

REF: STATE 136706

1. HONG KONG HAS A NETWORK OF LABOR LEGISLATION AND REGULATIONS FOR PROTECTING WORKER INTERESTS WHICH IT APPLIES ACROSS-THE-BOARD OR SECTORALLY BUT WITHOUT DISTINCTION BETWEEN EXPORT AND NON-EXPORT SECTORS (OR IMPORT SUBSTITUTION PRODUCTION).

2. THERE ARE THREE MIN ORDINANCES (A) THE EMPLOYMENT ORDINANCE WHICH IS APPLIED ECONOMY-WIDE AS A CODE OF EMPLOYMENT GOVERNING PAYMENT OF WAGES, SEVERANCE PAYMENTS, EMPLOYMENT AGENCY STANDARDS, SICK LEAVE AND SICK ALLOWANCES, HOLIDAYS WITH PAY, PROTECTION AGAINST ANTI-UNION DISCRIMINATION, MATERNITY BENEFITS, ETC. SOME SPECIFIES: AT LEAST 6 PAID HOLIDAYS ANNUALLY FOR MANUAL WORKERS, UP TO 12 DAYS PAID SICK LEAVE PER YEAR, UP TO 10 WEEKS FOR MATERNITY LEAVE, ETC.

(B) THE FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE AND RELATED REGULATIONS. PROHIBITS EMPLOYMENT IN INDUSTRY OF CHILDREN UNDER 14. AGES 14 AND 15 LIMITED TO 8 HOURS PER DAY AND NO OVERTIME. ALL WOMEN AND MALES AGED 16 AND 17 LIMITED TO EIGHT HOURS PLUS TWO HOURS OVERTIME DAILY BUT NOT MORE THAN 48 HOURS PER WEEK AND 300 HOURS OVERTIME PER YEAR. NIGHT WORK PROHIBITED FOR MINORS AND GENERALLY FOR WOMEN

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 HONG K 10459 070603Z

REGARDLESS OF AGE. ONE REST DAY A WEEK IS COMPULSORY FOR MINORS AND WOMEN. NO LEGAL RESTRICTIONS ON HOURS OF WORK FOR MALES OVER 18.

(C) WORKMEN'S COMPENSATION ORDINANCE. STIPULATES COMPENSATION FOR TEMPORARY INCAPACITY, TOTAL INCAPACITY AND FATAL INJURIES DUE TO ACCIDENTS OR OCCUPATIONAL DISEASE. EMPLOYERS MUST REPORT ACCIDENTS TO HKG LABOR DEPARTMENT

WHICH IS RESPONSIBLE FOR ASSURING COMPLIANCE WITH
COMPENSATION REQUIREMENTS. ORDINANCE APPLICABLE MAINLY TO
WORKERS RECEIVING LESS THAN HK 2000 PER MONTH (CIRCA US\$400).
AND INCLUDES A SERIES OF MINIMUM AND MAXIMUM PAYMENTS.
ORDINANCE ALSO STIPULATES SEVERANCE PAY FOR WORKERS DISMISSED
BECAUSE OF REDUNDANCY OR LAY OFF AFTER TWO YEARS OF SERVICE
(USUALLY ONE-THIRD OF A MONTH'S PAY PER YEAR OF SERVICE
UP TO A MAXIMUM OF ONE YEAR'S PAY.)

3. HONG KONG DOES NOT HAVE A MINIMUM WAGE LAW OR AN UNEMPLOYMENT
COMPENSATION PROGRAM.

4. MOST OF HKG INDUSTRIAL SAFETY REGULATIONS ARE DIRECTED AT
ACCIDENT PREVENTION IN DANGEROUS INDUSTRIAL AND CONSTRUCTION
OPERATIONS E.G. CARGO HANDLING IN WAREHOUSE, WHARVES, ETC;
SAFETY ATTACHMENTS FOR MACHINERY, SAFEGUARDS FOR COMPRESSED
AIR OPERATIONS, FLAMMABLE LIQUIDS SPRAYING, USE OF ABRASIVE
WHEELS ETC. NEED FOR ADDITIONAL SAFETY REGULATIONS IS
RECOGNIZED AND THERE IS A CONTINUING PROGRAM FOR DEVELOPING
REGULATIONS FOR HAZARDS NOT YET COVERED. WORKERS MAY BE
COMPENSATED FOR ILLNESS AND LOST EARNINGS DUE TO ASBESTOS
AND LEAD POISONING. BUT DETAILS ON WORKPLACE SAFETY FROM OTHER
TOXIC SUBSTANCES WERE NOT READILY AVAILABLE.

5. ALTHOUGH THERE ARE 300 OR MORE EMPLOYEE TRADE UNIONS IN
HONG KONG THEY ARE NOT A SIGNIFICANT FACTOR IN INDUSTRIAL LABOR
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 HONG K 10459 070603Z

RELATIONS HERE BECAUSE OF IDEOLOGICAL (COMMUNISTS VERSUS NATIONAL
CHINESE) AND OTHER REASONS. SERIOUS LABOR DISPUTES ARE
RELATIVELY RARE AND THE FEW THAT DEVELOP ARE USUALLY HEARD
AND ADJUDICATED WITHOUT UNDUE DISRUPTION BY THE HKG LABOR
TRIBUNAL. ANNUAL WORKING DAY LOSS DUE TO INDUSTRIAL DISPUTES
IS MINIMAL. THERE ARE NO DIFFERENTIAL LABOR STANDARDS OF THE
KIND REFERRED TO IN PARA 3B REFTEL.

6. ILO CONVENTION NUMBER 5, PROHIBITING FORCED LABOR,
HAS BEEN APPLIED WITHOUT MODIFICATION IN HONG KONG, ALTHOUGH NO
LOCAL LEGISLATION ENFORCES IT SPECIFICALLY. THE BODY OF LABOR
LAW AND REGULATIONS, AS WELL AS PREVAILING SOCIAL PRACTICE
HAVE PROVEN ADEQUATE SAFEGUARDS AGAINST COMPULSORY LABOR.

7. ENFORCEMENT. COMPLIANCE WITH WORKER HOUR AND AGE
STANDARDS BY THE LARGER INDUSTRIAL ENTERPRISES IS
BELIEVED TO BE RELATIVELY GOOD. HOWEVER, RECORD IS
PROBABLY LESS FAVORABLE IN THE SMALL FACTORIES AND
WORKSHOPS THAT ABOUND HERE. LABOR DEPARTMENT IS AWARE
OF THIS AND CONCENTRATES A FAIR PORTION OF ITS LIMITED
INSPECTORATE STAFF EFFORT ON THEM. LABOR DEPARTMENT
ALSO DEALS WITH SEVERAL THOUSAND WORKER GRIEVANCES PER

YEAR BUT MOST OF THESE ARE RELATED TO BACK PAY CLAIMS, UNPAID
HOLIDAY WORK AND THE LIKE.
SHOESMITH

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LABOR, STANDARDS
Control Number: n/a
Copy: SINGLE
Draft Date: 07 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978HONGK10459
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780322-0579
Format: TEL
From: HONG KONG
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780893/aaaacsj.tel
Line Count: 119
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 706e1d68-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 136706
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1822386
Secure: OPEN
Status: NATIVE
Subject: REQUEST FOR INFORMATION ON LABOR STANDARDS
TAGS: ETRD, ELAB, HK
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/706e1d68-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014